

E-119/C-92-318 ORDER DENYING MOTIONS TO INTERVENE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm  
Tom Burton  
Cynthia A. Kitlinski  
Dee Knaak

Chair  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Complaint  
Against Lake Region Cooperative  
Electric Association

ISSUE DATE: August 4, 1993

DOCKET NO. E-119/C-92-318

ORDER DENYING MOTIONS TO  
INTERVENE

**PROCEDURAL HISTORY**

On April 5, 1993, Larry Nelson, Gary Meemken, and David Hagen each filed a Petition to Intervene in these proceedings.

On April 9, 1993, Lake Region Cooperative Electrical Association (Lake Region) filed an answer to the petitions of Larry Nelson and Gary Meemken.

On May 7, 1993, Lake Region filed its answer to David Hagen's petition.

On July 22, 1993, the Commission met to consider this matter.

**FINDINGS AND CONCLUSIONS**

Intervenor Status

Petitions to intervene may be granted at the discretion of the Commission upon a showing that the petitioner 1) is specifically deemed by statute to be interested in the particular type of matter involved, 2) is specifically declared by statute to be an interested party to the particular type of proceeding involved, or 3) will be bound or affected either favorably or adversely by the outcome of the proceeding involved with respect to an asserted interest peculiar to the person as distinguished from an interest common to the public or the taxpayers in general. Minn. Rules, Part 7830.0600. Even if a petitioner fits one of the three categories, the Commission retains discretion under the rule to reject a petition to intervene if, in its judgment, intervention would be inappropriate.

The Petitioners in this matter claim eligibility for intervenor status under the third category. All three petitioners are currently served by Lake Region, but one of the petitioners, David Hagen, is not served on the same distribution line as the Complainants Nelson and Franze, and another, Larry Nelson, is no longer in the dairy business and hence has no herd subject to Lake Region's electrical system. The third petitioner, Gary Meemken, owns an operating dairy farm two miles north of Complainant Lonnie Nelson on the same distribution line. Due to its decision that intervention by these petitioners at this time would unnecessarily jeopardize expeditious handling of the Complaint, the Commission need not determine whether the petitioners meet the third category.

The Commission's decision to deny the petitions is based on its view that the Nelson/Franze Complaint proceeding is at a critical stage. The second round of testing has been completed and comments from parties have recently been received in that matter. The Commission is expeditiously preparing to address these matters. Inclusion of the petitioners' claims would expand the scope of the proceeding and inevitably delay consideration of the data collected regarding Complainants' two farms and further delay resolution of the electrical problems allegedly caused by Lake Region at those farms.

In sum, the Commission prefers not to expand the scope of these proceedings at this time to include the new issues inevitably raised by mixing the petitioners into the current complaint as intervenors. The denial will be without prejudice, i.e. petitioners will be free to refile petitions to intervene at a later stage of the proceedings. Any subsequent petition to intervene, of course, will be evaluated on its merits and in light of the circumstances existing at that time.

#### Participant Status

On its own initiative, the Commission has examined the further question of whether, in the alternative, it is appropriate to grant participant status to any or all of the petitioners at this time. A participant is a person appearing at a proceeding to present views or evidence without becoming a party. Minn. Rules, Part 7830.0100, Subpart 7.

Based on the type and scope of the information likely to be received from the participants, the Commission determined that the petitioners' inclusion in the proceeding even in the limited role of participant was likely to delay these proceedings. As previously mentioned, the Commission has proceeded from the initial round of testing to the crucial second round, has received comments from the parties, and is preparing to deliberate that matter. In light of the current posture of these proceedings, the Commission finds that granting participant

status to the petitioners would be more detrimental than beneficial. Accordingly, without prejudice to the petitioners' ability to request consideration of participant status at a later stage in the proceedings, the Commission declines to grant participant status at this time.

**ORDER**

1. The Petitions to Intervene filed by Larry Nelson, Gary Meemken, and David Hagen are hereby denied without prejudice to be refiled at a later point in these proceedings.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)